

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LONDON DIVISION**

UNITED STATES OF AMERICA, et al.)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 6:03-206-KSF
)	Filed: January 12, 2004
DAIRY FARMERS OF AMERICA, INC., et al.)	
)	
Defendants.)	
)	

**PLAINTIFF UNITED STATES' MOTION FOR
PARTIAL SUMMARY JUDGMENT AS TO DEFENDANT DAIRY FARMERS
OF AMERICA'S ESTOPPEL AND WAIVER AFFIRMATIVE DEFENSES**

For the reasons set forth in the attached memorandum and based on the facts in the attached Statement of Undisputed Facts, Plaintiff United States hereby moves this court to enter summary judgment for the United States with regard to Defendant Dairy Farmers of America's affirmative defenses of estoppel and waiver in accordance with Federal Rule of Procedure 56, on the ground that there is no genuine issue as to any material fact regarding these affirmative defenses and that the United States is entitled to judgment as a matter of law.

WHEREFORE, the United States prays for summary judgment as to Defendant Dairy Farmers of America's affirmative defenses of estoppel and waiver, and such further relief as is just and proper.

Respectfully submitted,

January 9, 2004

_____/s/_____
John R. Read
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U.S. Department of Justice
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202-307-0001

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Plaintiff United States’ motion for partial summary judgment is hereby GRANTED as to the estoppel and waiver affirmative defenses of Defendant Dairy Farmers of America, Inc.

KARL S. FORESTER, CHIEF JUDGE